

**TOWN OF PEACHAM
PLANNING COMMISSION
MEETING MINUTES
June 2, 2015
UNAPPROVED**

Present:

Planning Commission: Geoff Sewake, Nick Commerci, Marilyn Magnus

Clerk to the Board: Melissa Laurita Kohl

Public: Alison Lowe, NVDA, Bob Hansen, Zoning Administrator, Mike Bruton

The meeting was called to order by Chair of the Board Geoff Sewake at 7:07PM.

- 1) Introductions
 - a) Geoff suggested members introduce themselves to Alison Lowe, who is here from NVDA.
 - b) Geoff asked public to hold off until end of meeting for questions.
- 2) Alison Lowe from NVDA explained the nature of variances.
 - a) Towns that have zoning are required to provide some legal out if someone cannot develop their land in strict conformance with a bylaw. In that case, the town would have to provide a variance. The classic case is a narrow lot, so can't meet the front setback requirement.
 - b) Legally have to allow a variance. In order to be given has to meet 5 conditions. She provided a full copy of the State Statutes. variance needs to be because of a hardship of the land not because of a mistake/lack of seeking permit of the builder. not going to alter the nature of the neighborhood. there are not use variances.
- 3) Alison Lowe explained the nature of waivers.
 - a) Waivers are a form of zoning that was finally codified in 2004. There were certain uses that just needed a release from the dimensional standards. Such as building a handicap access ramp or choosing a building site to maximize southern exposure and energy efficiency.
 - b) You can create waivers for dimensional requirements. Again, cannot grant use waivers.
 - c) Waivers can provide for disability access, fire safety, and energy conservation.
 - d) If you are going to allow waivers, you have to specify the process. I am assuming they would go before the DRB. Nick said that some waivers - like for handicap accessibility - can be handled by zoning administrator.

- e) Alison said you can but more typically the zoning administrator is able to make small changes to something already approved by DRB if specifically spelled out.
 - f) She said that waivers and exemptions are not the same. In Concord they have a maximum square footage on an accessory structure/shed for an exemption so everyone who is building a dog house does not have to come for a permit. Would just have to say provided these structures are not in flood hazard areas as defined in our bylaws section xyz...
 - g) If a waiver is not specifically delegated to the ZA, it would go to the DRB. Would probably be dealt with like a variance or a hearing.
 - h) Accessibility can go beyond a ramp. The purposes for the waiver can be very specific but in the way it waivers from the dimensional setbacks does not have to be specific. So for example, in Danville a couple's house burned down and they were elderly. Wanted to rebuild a one story structure but were forced to build two stories.
 - i) Pomfret's waiver language is broader in terms of disability, fire safety, etc.
 - i) "2. Administrative Waivers may be granted by the Zoning Administrator for development within the setback for: 7 .4.2.1.. Structures providing for disability accessibility, fire safety, and other requirements of law;"
 - j) Alison said if most of the buildings in village center do not meet setback requirements, then you should consider changing those requirements. Can reduce setback requirements or say setback requirement is equal to buildings on either side. it might just be a matter of walking around the village with one of those laser things and seeing what is really out there. Bob Hansen has one of those measuring things. Alison suggests looking at side setbacks too.
- 4) Bob Hansen asked about form based code.
- a) It's really more like street and pedestrian orientation and it really doesn't go into uses at all. It's architectural sketches and rendering. It's really more about building in bulk and how it exists in relationship to the existing environment.
- 5) Geoff asked if Mike had any questions. Mike asked if road frontage could be addressed by a waiver because it is a big issue in the community.
- a) Alison said that in Sutton they want to prevent fragmentation of working land and have a working land overlay. The problem there is that if you wanted to be able to move your development to the edge of the lot and leave your land open, road frontage requirement can be an issue. It's all a matter of context and what you are trying to accomplish. before you start

looking at waivers, you might want to look at specific corridors in the town and see what it looks like.

- i) Geoff suggested we go to all of the zones with a measuring laser and see what is happening.
- ii) Nick said that he thought large road frontage requirement was to maintain rural nature of the land and prevent spaghetti lots.
- iii) Nick said to sell the smaller frontage as a group we would need to present some way we are trying to protect our ag overlay.
- iv) In Sutton they had a 10 acre minimum lot size which is counterproductive. So if a farmer wants to sell some land because he is strapped for cash then he has to sell a 10 acre lot. Their proposed standard is you can create these small lots as long as you maintain this overall density (housing lot every 10 acres) but if you do that you cannot carve up the lot so no longer eligible in current use enrollment. Nick said you really need to have a benchmark as opposed to being open to the discretion of the DRB. Alison does not think Sutton's is an easy fix. They have been working on these standards for three years. Six months of focus groups and public outreach. Has been a very hard discussion.
- v) Geoff asked if you see any legal issues with the use of "minimum impact on the land" or "maximize farmability".
 - (1) No, she said that is very come. To minimize the fragmentation of the land. In a lot of cases large lots just lead to rural residential sprawl. I think you are going to see overall density zoning, moving them away from productive lands, providing bonuses.
- b) Geoff - going back to the village district issue. With frontage, yes, we can make up some number, but what if we were to rewrite that particular section to create a historic district so any development within the district would have to conform with existing development.
 - i) Alison said you are looking at two different things. The dimensional standards really establish the density and orientation of the built environment. If you want to preserve what's there, you might want to develop setbacks that allow for the village as it currently exists.
 - ii) Design standards or form based codes speak more to aesthetics.
 - iii) Setbacks also have to do with keeping people out of road right of way so have to be mindful of that.

- iv) Paul Dreher - he wrote the form based code in Newport and has worked with a couple of smaller towns, too. Alison will put us in touch with him.
- v) Geoff - I see three critical issues: the village - making sure people can develop it but keep with the historic nature; rural district - preventing spaghetti lots, but looking at the road frontage requirements; the ag overlay and how you can continue to preserve the farmland but allow people to build their lot to live in.
- vi) Alison suggested we look at Hinesburg. They have embraced this density, allocation based zoning.
- vii) Alison can give us the draft of Sutton's regulations.

Marilyn moves to adjourn at 8:17pm. Geoff seconds. So moved.